

Saguache County Board of Commissioners met in regular session Tuesday, April 19, 2011 with the following present:

Sam Pace, Chairman
Mike Spearman, Co-Vice Chair
Linda Joseph, Co-Vice Chair
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Ben Gibbons, County Attorney
Melinda Myers, Clerk and Secretary to the Board
Christian Samora, Acting Secretary

Meeting called to order by Chair Pace at 9:05 A.M.

Additions or Deletions to the Agenda.

Joseph moved to approve the agenda as amended. Spearman seconded the motion. The vote was three Ayes.

Reading and approval of minutes of April 5, 2011.

Joseph moved to approve the minutes of April 5, 2011 as amended. Spearman seconded motion. The vote was three Ayes.

Review of Mail and other correspondence:

1. **Daniel Johnson** brought in the March 2011 Report for the Saguache County Fire Mitigation Program. (4/11/11)
2. **La Puente** sent their annual report update. (4/11/11)
3. **Colorado Division of Wildlife** sent a letter with an update on the process the DOW is using to evaluate the potential for a wolverine reintroduction project in Colorado. (4/11/11)
4. **Congress of the US House of Representatives** sent a letter regarding the Environmental Assessment for two exploratory Wells within the Baca National Wildlife Refuge. US Fish & Wildlife Service issued a finding of no significant impact for the proposed exploratory wells on the Refuge. (4/11/11)

Pace moved to allow Robert Maez to continue to care for the Haskin Medical Building grounds. Joseph seconded motion. The vote was three Ayes.

5. **Robert Maez** sent a letter asking permission to begin watering and caring for the Haskin Medical Building grounds in Center. (4/11/11)
6. **Colorado River Water Conservation District** sent the April 19, 2011 Agenda for the 2nd regular quarterly meeting for the Board of Directors. (4/13/11)
7. **Rio Grande Water Conservation District** sent a letter in regards to Groundwater Management Sub-districts in the San Luis Valley. (4/12/11)

8. **Center Conservation District** sent an invitation for the 67th Annual Meeting for the 2010 accomplishments on April 29th, 2011 at 630p.m. at the High Valley Mennonite School on 45651 County Rd. E, Center. (4/13/11)
9. **US Dept of Interior** sent an email announcing the BLM will hold a Public Forum on Hydraulic Fracturing in Natural Gas Production on April 25, 2011, 4p.m.-9:00 p.m. in Golden, Colorado. (4/12/11)
10. **Rio Grande Water Conservation District** sent the April 2011 Ground Water Table Measurements. (4/13/11)
11. **Rio Grande Water Conservation District** sent the Board of Directors Meeting Agenda for April 19th, 2011 at 10:00a.m. (4/13/11)
12. **Colorado Rural Water Association** sent a letter to invite the BOCC to participate in developing a Source Water Protection Plan for the Town of Saguache on Tuesday, April 26th 6:30p.m. at the Saguache Town Hall. (4/13/11)
13. **Jean Hansen** sent a letter concerning her Property Taxes and would like to have a response from Board for County Commissioners & Assessor, Jackie Stephens. (4/8/11)
14. **Bellevue Land & Mineral Co., LLC** sent a letter that they filed a Notice of Intent to Conduct Prospecting Operations for Hardrock/Metal Mines within the Division of Reclamation. (4/11/11)

Introduction of Guests: Matie Bell Lakish – Crestone Eagle; Scott Wilfong – Electrician; June Savage; Andrew Archuleta, Helen Hankins & Greg Schoup - BLM; Diane Dunlap; Sasha Meyerwitz & Mark Sink - Mangala Shri Bhuti; Anne Nielsen; Kim Smoyer – ScSeed; John and Erica Keyes – friedcranes.org; Adam Green – SolarReserve; and John Mattingly.

Commissioners Reports:

Sam Pace reported:

- April 12 - Attended the Commissioners work session for: procedural clarifications by conference call with Tessera; discussion of revised comments draft for the BLM's National Solar Development Programmatic Environmental Impact Study (PEIS), now extended to May; and review of the County's working draft Economic Development Plan.
- April 15 - CCI Steering Committee Meeting - Discussion of the Medical Marijuana Bill, House Bill 1174 – Manufactured Home Clean-up and destruction. Colorado Agriculture Alliance – Discussion about making it easier for people to lease water rights instead of selling the rights. Garfield County is offering Scholarships. Discussion on a bill that would lower the daily per diem rate for Pinnacle Insurance Company.

Linda Joseph reported:

- April 6 - Attended the State Emergency Medical and Trauma Advisory Council (SEMTAC) work session of the Public Policy & Finance Committee, to score Grant Applications for regional or statewide systems projects.
- April 7 - Attended the quarterly SEMTAC meeting in Denver, and is reapplying for appointment.
- April 12 - Attended the Commissioners work session for: procedural clarifications by conference call with Tessera; discussion of revised comments draft for the BLM's National Solar Development Programmatic Environmental Impact Study (PEIS), now extended to May; and review of the County's working draft Economic Development Plan.
- April 13 - Attended the Mass Care Tabletop Exercise with representatives of responders Valleywide. Numerous areas were identified to enhance preparedness.

- April 16 - Attended the Saguache Health Fair at the Mountain Valley School gym.

Mike Spearman reported:

- April 14 & 15 – Attended the Colorado State University Extension State Board Meeting – Water Conservation Discussion in Denver.
- April 18 – Attended the Conflict Meeting and spoke with Deb Downs about the Center Haskin Medical Building upgrades.

Scott Wilfong – Joyful Journey sign

Pace moved to approve Joyful Journey's sign plan as amended. Joseph seconded motion. The vote was three Ayes.

- Discussion in regard to the illumination of the Mineral Hot Springs sign.

Andrew Archuleta - BLM report:

- Introduction of Helen M. Hankins the State BLM Director and Greg the Front Range Director.
- The Front Range Resource and Advisory Council has several vacancies that need to be filled. The Board of County Commissioners can appoint an individual to the council if they so choose.

Break

Wendi Maez - Land Use report:

Joseph moved to approve the Conditional Use request for GHG, LLC located on the E1/2 of Lot 7 2-43-8. Spearman seconded motion. The vote was three Ayes.

- GHG, LLC – Diane Dunlap owner – E1/2 of Lot 7 2-43-8 Conditional Use request for medical marijuana grow area, Greenhouse.
 - A. Amount of property to be used is 1.0 acres.
 - B. MMJ Optional Premises Cultivation for AHA LLC – DBA High Valley Healing Center – Crestone
 - C. Utilities
 - Electricity – SLVREC
 - Telephone – Verizon
 - Water – Well #235899
 - Septic – Individual #891
 - D. Present Use/Future Use – Residential – to MMJ Cultivation Area
- There were no comments received from any adjoining landowners.

The SCPC recommended approval of the application as presented during their regular meeting on March 31, 2011 contingent upon State water approval of change in water well permit use or provide an approved source of water, written approval from water source and change the ownership of existing water well. Land Use office has received a copy of the contract that GHG, LLC has acquired from the Town of Crestone.

Spearman moved to approve the Conditional Use for Avery Runner, Caren Kershner and Carey Kokonen as presented. Joseph seconded motion. The vote was three Ayes.

- Avery Runner, Caren Kershner and Carey Kokonen – Conditional Use request – City of Hot Springs Block 11 Lots 1-5. Request to manufacture medically infused tinctures and topical and to grow MMJ for business.
 - A. Amount of property to be use 2 +/-acres
 - B. Utilities
 - Electricity – Off Grid Solar #643324
 - Telephone – Fairpoint Communications
 - Water – Well #262409
 - Septic – Individual #1204

Present Use/Future Use – Building Gallery/Living Structure change to Manufacture Medically infused tinctures and topical.

The SCPC recommended approval of the application as presented during their regular meeting on March 31, 2011 - contingent upon State water approval of change in water well permit use or provide an approved source of water, written approval from water source.

Pace moved to approve the Variance request for Mangala Shri Bhuti to construct a 57 foot structure on Mountain Tract A. Spearman seconded motion. The vote was two Ayes and one abstention.

- Mangala Shri Bhuti – Mountain Tract A – Variance request to construct a structure that is 57 feet in height. This property is Zoned I2 which is institutional. This request is to construct a retreat (shrine) center that will be 57 feet in height. The CBPC recommended approval of this request during their regular meeting on April 13, 2011. The request had one NO vote with all of the other members voting to recommend approval of the request after a very long discussion concerning the entire project. The reasons for recommending approval of this request are: the property is zoned I2, traditional Buddhist style and tradition of the structure dedicate that the spire be at this height, the location of the structure is cited for minimal visibility so that it will not adversely affect the adjoining landowner views, and due to the fact that this is a closed retreat center and not a public facility.

Pace moved to advertise for sale the Town of Iris to receive offers until June 1, 2011, and to give Annie Nielsen a one person listing contract. Joseph seconded the motion. The vote was three Ayes.

- Annie Nielsen presented an offer on the town of Iris for \$50,000. The Board wanted to advertise the property again to give the public a chance to submit offers.

Pace moved to approve the Resolution to Revoke the Conditional Use for Lew and Tanya Inman on corner of Hwy 17 and 112. Spearman seconded motion. The vote was three Ayes.

- Revoke Conditional Use Resolution for Lew and Tanya Inman – parcel of land containing approximately 7 acres located within the SE1/4 33-41-10, Hooper area junk yard.

Pace moved to approve the Resolution to Revoke the Conditional Use for Pete and Enedina Grover on N ½ NW ¼ 12-43-10. Spearman seconded motion. The vote was three Ayes.

- Revoke Conditional Use Resolution Peter and Enedina Grover – N1/2NW1/4 12-43-10. Property has reverted back to original landowners and the new landowners would like to have the property put back to agricultural use.

Ben Gibbons - County Attorney Report:

- Gibbons wrote summary of the Tessera Solar discussions from the work session, which the Board reviewed and approved revisions. Maez will post it on the website.
 1. Tessera Solar has paid the outstanding balance due for services related to processing the application and conducting the public hearing in December.
 2. Tessera Solar was informed, and land use confirmed by e-mail, the “out of pocket” expenses that would be associated with conducting the continued public hearing.
 3. The issue of Tessera Solar paying for a review by Mestre-Greves of the amended HDR sound study report prior to the continued public hearing was discussed. Tessera Solar indicated that it would inform the County within 10 days of its position on paying to have the report reviewed. The Commissioners stated that it would be helpful to the process for a review of the amended sound study to be conducted. Tessera Solar representatives were further informed that any review of the sound study or other submitted information must be made available for public review and comment prior to the continued public hearing. This should be a consideration in timing of submission of any additional information.
 4. Tessera Solar inquired as to what noise level standard the proposed operation was required to meet. The Board informed the representatives that at a minimum the operation would be required to meet State sound standards and would optimally meet the solar guideline standards.
 5. Peter Lynch inquired as to the requirement that Tessera Solar has a PPA in place prior to approval of application. The Board informed the Tessera Solar representatives that the PPA issue could be addressed as a condition to the application should it be approved.
 6. Peter Lynch informed the Board that Tessera Solar did not intend to submit any significant design or technology changes to the 1041 application. Tessera Solar was informed that any significant change would require the submission of a new application.
 7. Tessera Solar has informed the Board that Peter Lynch will be the official contact for the Tessera Solar project.
- Continuing work on the County CORA policy and updating the personnel policy manual, with administration and department heads.
- Letter on mobile home Mineral Hot Springs received from
- Status conference on the SOS case and the hearing will be on May 31, 2011 in Saguache. The case is a purely legal question and the judge will decide the case on his legal interpretation of statute.

- CORA case depositions will be on May 5&6. Clerk Myers requested the closure of the Saguache office
- Telephone status conference on May 3 on the Hollenbeck case.

Mike Norris – Sheriff report:

- Requested to sell a retired patrol car to Center Police Department. The Board approved the sale.
- Served the Cease and Desist order to Michael Boone. Land Use will follow up to see if the order has been complied. If not, a court order will be issued for eviction.
- Sheriff Norris has reached an agreement with the BGPOA on speed signs in the Baca.

Adjourned for Lunch at 12:03 P. M.

Resumed meeting at 1:00 P. M.

Dale Enquist - Concerned Citizen:

- Mr. Enquist expressed concern about the fact that the Saguache County Land Fill does not recycle corrugated cardboard, but also understood the cost associated with doing so. Requested the BOCC investigate different types of cost effective recycling.

Randal Arredondo - Road & Bridge and Landfill Supervisor:

- Saguache County Land Fill does not recycle corrugated cardboard. Arredondo will speak to the Land Fill staff concerning the acceptance of cardboard.
- Mr. Arredondo presented a report that indicated the total cost of oil for the 2011 paving season.
- The bids for a slurry seal at Leach Air Field are due at 1:30 P.M. on April 28th, 2011.
- Spoke with an architect, Keith Stitler about the conference room addition to the Road & Bridge Office.
- Spoke with John Baxter about a stump grinder that could be used to grind tires at the Land Fill. Mr. Baxter is asking \$50,000 for the grinder. Mr. Arredondo will check into the upgrades that will be needed to modify the equipment to grind tires.

Jeannie Norris, Director - Board of Social Services

Joseph moved to adjourn regular session and convene as the Saguache County Board of Social Services at 1:34 A.M. Pace seconded motion. The vote was three Ayes.

- The Director acknowledged Pam Jones for catching up on the caseload for the first time in sixteen years.
- Three people have completed the new in-house employee preparation program, two of which are already currently employed.
- There were 18 active TANF cases during the month of March, with 5 child-only cases and 2 cases pending. The new TANF training program completed its second session with 3 students enrolled. Out of the 3 students, 2 people found jobs, and retained them. Food assistance cases for March numbered 514. There were 26 aid-to-the-needy-disabled cases, and 93 old age pension cases.

- The LEAP program has now served 621 total households for the season, and has paid \$418,663.22 in benefits
- The Child and Adult Protection Unit had 13 referrals, 10 of which were accepted for investigation. The Unit currently has 14 dependency and neglect court cases and 11 children in placement out of the home. There was one new adult protection referral, and 2 cases open at this time. Attached to this report is a graph showing a direct correlation between poverty levels and out of home placement in ten counties in Colorado.
- The IV-D Unit has a new automated tool entitled the “Performance Dashboard” which gives statistics regarding work in progress as well as percentage of goals attained. Pam Jones, Legal Technician, has no outstanding work for the attached dashboard report, and has achieved the recommended goal levels for this point in the year.
- We were pleased to meet with Reggie Bicha, State Human Resources Director, and last Thursday in Alamosa. Mr. Bicha has a good understanding of county-administered departments, and we were delighted to have the opportunity to welcome him to the San Luis Valley. He plans to return in mid-September, and will place Saguache on his itinerary for that visit.
- Commodities are being distributed this week in the communities of Center, Saguache, and Crestone. We will have an additional senior distribution next week in Moffat, Center and Saguache.
- Social Services and Public Health are looking into taking over the Emergency Food Bank.
- John Haskin Medical Building update:
 1. Review of bids for building renovations: the Board wanted to explore grants and other funding sources but did not want to approve any of the bids at this time. The Board also gave permission to do necessary improvements such as windows and doors

<p>Pace moved to adjourn as the Saguache County Board of Social Services and return to regular session at 2:35 P.M. Joseph seconded motion. The vote was three Ayes.</p>

Kim Smoyer - ScSeed Economic Development Update

- Rural Philanthropy Days (RPD) – The event will be held September 14 – 16th. Plans are moving forward. Local businesses will benefit from the event with over 250 attendees. The Governor has been asked to attend the Thursday evening event at Old Cow Town. The Steering Committee may be asking for a county representative to present a 15-minute update on Saguache County including our demographics, trends, economics, etc. to funders at one of the breakout sessions on Thursday. ScSEED would be happy to act in this role if the BOCC wants us to. They are also planning a government session that will include invites to all the County Commissioners and other government officials. I will keep you updated on this. Mountain Valley School has agreed to let us use their facilities for both Thursday breakout sessions and Friday roundtables.
- Saguache Chamber – The Chamber just emailed an annual report to all its members (see attached) that outlined all the activities for the last year and plans for the future. It’s a very comprehensive report that shows they are moving forward with various business initiatives.

- Saguache Artist Coop – A sampling of this local talent will be on display at the Smith Market Gallery at 301 5th Street. The owner, Byron Williams, has generously opened his space up to the Saguache Artists. The exhibition will open on Saturday, May 21st from 10AM-6PM and will run throughout the Memorial Day weekend and into June. Please visit the new Saguache Artists webpage on the Saguache Chamber of Commerce website at <http://www.townofsaguache.org/saguache-artists.htm> for more information and to learn more about the participating artists. Featured artists will include: baskets and gourds by Byron Williams, fantasy illustrations and collages by Judith Page, fine woodworking, hats and bags made by Slim Wolfe of “Mad Hatter Woodworks”, functional table and kitchenware by Riff and Marilyn of Fenton Studio Pottery, sacred drawings and botanical images on handmade paper by Lynn Amlie of SunMoon Creations and impressionistic landscapes by Christa Gulaian.
- Saguache Downtown Revitalization Project (SDRP) – ScSEED submitted the final CDBG grant application to Deb Downs for her final review and transfer to the state for a decision (April). The final amount requested was \$582,491. Should the CDBG grant be approved and funded in full – the work will begin in the spring 2011. ScSEED will also write a \$20,000 grant request to support this project and complete the amount needed to the Gates Family Foundation. Milton Jones talked to Deb Downs in early April and she said that the grants have not been decided mainly because of the federal government budget issues.
- Economic Developer Training – I applied for a received a scholarship of \$550 to attend a week long Economic Developer Training in Denver during the first week of June. We also again became members of the Economic Development Council or Colorado (EDCC). EDCC was the organization that will provide this \$550 scholarship to attend the training. I also recently completed the registration process and will be attending the training from June 6 – 10th in Denver.
- Saguache Historic Walking Tour – The booklet is currently at the printers and we expect to have the final copies (1000), which is an additional 500 more because we did get a grant from the Tourism Council to print additional copies. These will be distributed in the month of May as projected and 200 copies will be held back for distribution at Rural Philanthropy Days.
- Saguache Clean-Up Day – Once again we will partner with RSVP program (Library) volunteers to help organize a spring clean up day on 4th Street. Dan Corson, Director of the State Historic Fund (SHF) is coming down to help. The Clean Up Day has been scheduled for Saturday, June 4th and we are now marketing to get volunteers on board. Colorado Preservation Inc. (CPI) was contacted for additional volunteers and they are working on recruiting some folks to help. RSVP will be applying for additional funding through various other sources to remove the paint from the Masons Building and repair the brick and reseal.
- Historic Preservation Commission - The HPC will provide walking-tour guides for the SLV RPD event in September. They are also in the process of completing a State Historical Fund grant application to have a Historical Structure Assessment (HSA) completed on the Town Hall.
- Small Business Development Center (SBDC) – I have several business clients in Saguache that I am currently working with – providing business counseling. I am also in the process of developing a Social Media and Marketing workshop, which will take place

from 4-6 PM in Saguache on Tuesday, May 17, 2011. This workshop will be open to the public and no charge to participants.

- SLV Energy Steering Committee – According to Jeanna Paluzzi, the SLV Energy Plan, is currently at the state level and she is waiting for review comments from them. She will put the final approved plan up on the website.
- Saguache Economic Development Plan – We finished the ED plan for the Governor's Bottoms Up initiative and submitted it to Darlene Scott on April 14th as required. The final plan was also sent to BOCC for review and comment (so you already have this document).
- Building A Better Colorado Through Civic Engagement - I attended a Colorado's Future meeting in Alamosa on March 31, 2011 to discuss federal, state and local government. Colorado's Future is a coalition of individuals and partner organizations committed to tackling these challenges and help restore a healthy and robust economy. They are dedicated to ensuring our children and grandchildren are provided economic opportunity – and able to enjoy the beauty of Colorado and a continued tremendous quality of life. It is their hope to provide the opportunity for public servants and citizens to work together for positive change on issues that transcend partisan politics, election cycles, narrow interests, and short-term thinking. Mission: To build public trust and improve public policy decision-making in a way that will build a better Colorado. For more info visit

Evan Samora - Housing Monthly Update

Joseph moved to convene as the Housing Board at 2:52 P.M. Pace seconded the motion. The vote was three Ayes.

Evan Samora, Housing Director Monthly update

Pace moved to adjourn the Housing Board and return to regular meeting at 2:59 P.M. Joseph seconded. The vote was three Ayes.

Adam Green - Solar Reserve general discussion

- Proceeding to develop the final 1041 application.
- Maintaining the Escrow Account with Saguache County at \$15,000.00.
- Discussed the project with Sheriff Norris, Jim Felmlee, SLV Firefighters, Randy Arredondo for a traffic study, George Welsh, and The Colorado DOW / Fish & Wildlife for wildlife studies.
- Met with local stakeholders and the Attorney General to discuss how the project would interact with the changing water needs.
- Conducting studies for economic impact, traffic, visual simulations, and wildlife.
- Clearance will need to be obtained from the FAA due to the height of the structure to be used in the project.
- The BOCC will draft a letter to inform the FAA that there are not currently any Category C planes using Leach Airport. The letter will also indicate that the County would not like to jeopardize the Category C Status of the airport.

John and Erika Keyes - Concerned Citizens:

- Mr. Keyes expressed concern over the combustibility of the potassium nitrate and calcium nitrate which would be stored on-site.
- Mr. Keyes also expressed that the foundation for these towers would need to rest on bedrock 4,500 feet below the surface.

Wendi Maez & Lyn Zimmer – Co-administrator report:

- Public Trustee Report for 1st Quarter 2011.
- Present and review for signature Veteran's report for March 2011.
- GIS Update - Connie Trujillo, Jackie Stephens, Rose Vanderpool and Wendi Maez are working on an RFP to possibly present to the Valley BOCC on Monday, April 25th..

Pace moved to approve the Lot Consolidation for Deborah L. Perry, Baca Grande Chalets Unit II, Lots 4275 and 4276. Joseph seconded. The vote was three Ayes.

- Lot Consolidation request for Deborah L. Perry, Baca Grande Chalets Unit II, Lots 4275 and 4276 CBPC recommended approval of this request during their regular meeting on April 13, 2011.

Pace moved to approve the Consolidation for Michael Girard Kelly and Rose Mary Kelly, Baca Grande Grants Unit One, Lots 102, 103 and 104. Joseph seconded. The vote was three Ayes.

- Lot Consolidation request for Michael Girard Kelly and Rose Mary Kelly, Baca Grande Grants Unit One, Lots 102, 103 and 104. CBPC recommended approval of this request during their regular meeting on April 13, 2011.

Pace moved to approve the Consolidation for Timothy B. Stokes and Wendy L. Stokes, Baca Grande Chalets Unit I, Lots 2032 and 2033. Joseph seconded. The vote was three Ayes.

- Lot Consolidation request for Timothy B. Stokes and Wendy L. Stokes, Baca Grande Chalets Unit I, Lots 2032 and 2033. CBPC recommended approval of this request during their regular meeting on April 13, 2011.

Bill Paying

Joseph moved to adjourn at 4:10 P.M. Spearman seconded the motion. The vote was three Ayes.

Respectfully Submitted,

Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved May 3, 2011

Chairman of the Board

Attest

Commissioner

Commissioner